



OGC 78-1379

7 March 1978

MEMORANDUM FOR: Deputy Director for Administration

**OGC Has Reviewed**

ATTENTION : Executive Officer/DDA

STATINTL FROM :   
Assistant General Counsel

SUBJECT : Agency Assistance to Department of Treasury

1. This memorandum addresses a request which the Agency has recently received from the Department of Treasury, seeking our assistance in the destruction of some 1.5 million invalid, blank Treasury checks. Treasury seeks to make use of local Agency destruction facilities in order to save the costs involved in transporting the blank checks to a Treasury destruction facility located in Pennsylvania.

2. In my opinion, it is legally permissible for the Agency to provide this service to the Department of the Treasury. Affirmative authority for these types of services is contained in provisions of the Economy Act (31 U.S.C. 686). Moreover, the Agency would not be in violation of the prohibition concerning participation in a law enforcement activity [E.O. 12036, Section 2-308(b)]. For, while several elements of the Treasury Department do conduct law enforcement activities, the destruction of these blank checks cannot, in my opinion, be construed as a law enforcement activity within the meaning of the phrase contemplated by the executive order.

3. Even though the Agency's assistance in this matter is legally permissible, I believe the fact of Agency assistance would invite considerable skepticism and adverse publicity if our involvement were to become generally known, given the type of material being destroyed. Thus, if you decide to grant the assistance which is requested, I recommend that you:

- a. Require Treasury to submit, in advance of the destruction, a detailed listing of the types and numbers of materials to be destroyed;
- b. Require the presence of a Treasury official throughout the destruction process; and
- c. Require a written acknowledgement from Treasury stating that all materials which were presented for destruction were duly destroyed.

STATINTL



Washington, D. C. 20505

12 June 1978

NOTE FOR: Jack Blake

I think this is ok. I made some editorial suggestions to take out any proselytizing aspects.

Frank Carlucci

Att:  
DDA 78-2349

STATINTL

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